

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEBBIE FISHER

Plaintiff,

VS.

NO. : 02-CV-3460

PEDRO ORTIZ, SHAN-LOR  
TRUCKING EQUIPMENT,

Defendants,

and

PAUL LENAROSON

Additional Defendant.

**DEFENDANTS', PEDRO ORTIZ AND SHAN-LOR  
TRUCKING EQUIPMENT, MOTION TO COMPEL DISCOVERY**

## NOTICE OF MOTION

TO: Peter N. Munsing, Esquire  
Attorney for Plaintiff,  
Debbie Fisher

Please take notice that the attached Motion to Compel Discovery will be filed with the Court on November 5, 2002, and your response to same is due within ten (10) days of that date.

POST & SCHELL, P.C.

BY: \_\_\_\_\_  
JOSEPH R. FOWLER  
ATTORNEY FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEBBIE FISHER

Plaintiff,

VS.

NO. : 02-CV-3460

PEDRO ORTIZ, SHAN-LOR  
TRUCKING EQUIPMENT,

Defendants,

and

PAUL LENAROSON

Additional Defendant.

## ORDER

AND NOW, this                    day of                    , 2002, upon consideration of the Defendants', Pedro Ortiz and Shan-Lor Trucking Equipment, Motion to Compel Discovery, it is hereby **ORDERED AND DECREED** that said Motion is granted and plaintiff, Debbie Fisher shall provide answers to discovery within twenty (20) days, or suffer sanctions upon further application to the Court.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEBBIE FISHER

Plaintiff,

VS.

NO. : 02-CV-3460

PEDRO ORTIZ, SHAN-LOR  
TRUCKING EQUIPMENT,

Defendants,

and

PAUL LENAROSON

Additional Defendant.

**DEFENDANTS', PEDRO ORTIZ AND SHAN-LOR TRUCKING EQUIPMENT'S  
MOTION TO COMPEL DISCOVERY**

Defendants, Pedro Ortiz and Shan-Lor Trucking Equipment, by and through their counsel, POST & SCHELL, P.C., hereby moves this Honorable Court pursuant to Rule 37 of the Federal Rules of Civil Procedure and in support thereof aver as follows:

1. On or about May 30, 2002, defendant removed this matter to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1446 (d). Plaintiff's Complaint alleged that plaintiff, Debbie Fisher was operating her vehicle on February 4, 2000 when a vehicle operated by Pedro Ortiz struck the rear of plaintiff's vehicle.

2. Defendant wrote to plaintiff's counsel on April 22, 2002, propounding interrogatories and requesting discovery responses pursuant to Fed. R. Civ. P. 26(a). (A true and correct copy of said letter attached hereto as Exhibit "A").

3. More than thirty (30) days have elapsed since the letter and plaintiff is yet to respond.

4. Under Fed. R. Civ. P. 26, plaintiff has an affirmative duty to disclose all documents, data and tangible things in his possession, custody or control.

5. Under Fed. R. Civ. P. 37, this Court may compel the plaintiff to answer interrogatories, produce the parties for deposition and compel the production of documents.

6. Defendant is entitled to discovery under Fed R. Civ. P. 26(a) and certifies that a good faith effort was made in attempting to procure the requested responses from plaintiff. Since plaintiff has continually failed to respond, plaintiff should now be compelled to reply within twenty (20) days.

7. WHEREFORE, defendants respectfully request that this Honorable Court grant their Motion to Compel and enter the attached Order.

POST & SCHELL, P.C.

BY: \_\_\_\_\_  
JOSEPH R, FOWLER, ESQUIRE  
ATTORNEY FOR DEFENDANTS,  
PEDRO ORTIZ AND SHAN-LOR  
TRUCKING EQUIPMENT

**VERIFICATION**

Joseph R. Fowler, Esquire, hereby states that he is attorney for Pedro Ortiz and Shan-Lor Trucking Equipment and that he is authorized to and does take this Verification on its behalf and that the statements made in the foregoing Motion to Compel Plaintiff's Answers to Defendants' Discovery Requests are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements made therein are made subject to the penalties relating to unsworn falsification to authorities.

---

JOSEPH R, FOWLER, ESQUIRE  
ATTORNEY FOR DEFENDANTS,  
PEDRO ORTIZ AND SHAN-LOR  
TRUCKING EQUIPMENT

DATE: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, Joseph R. Fowler, Esquire, hereby certify that a true and correct copy of the within Motion to Compel Plaintiff's Answers to Defendant's Discovery Requests pursuant to F.R.C.P. 37 was served upon the below-listed counsel on November 5, 2002, by United States First Class Mail, Postage Prepaid.

Peter N. Munsing, Esquire  
The Law Offices of Peter N. Munsing  
939 Penn Avenue  
Wyomissing PA 19610

POST & SCHELL, P.C.

BY: \_\_\_\_\_  
JOSEPH R. FOWLER, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
PEDRO ORTIZ AND SHAN-LOR  
TRUCKING EQUIPMENT